

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2004 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

B.K. DIST. PANCHAYAT GRAM SEVAK ASSOCIATION

Versus

STATE OF GUJARAT&4

Appearance:

MR. PC MASTER WITH MR BIPIN I MEHTA for Petitioners
M/S MG DOSHIT & CO for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE C.K.THAKKER

Date of decision: 17/04/97

ORAL JUDGEMENT

This petition is filed by the petitioners for quashing and setting aside the order at Annexures C and D dt. May 9, 1982 and April 19, 1982 and by restraining the respondent authorities from holding written examination for the petitioners and persons similarly

situated to appear for written examination. It appears that when the petition came up for hearing, some other petitions were also admitted and pending. Hence, following order was passed on May 7, 1982 by my learned brother S.L.Talati J.

"Rule. Mr.Panchal waives notice for the State.

By way of ad.interim relief respondents are directed to maintain status quo in the sense that petitioners will not be obliged to appear in the examination but the Board can hold the examination for others or those who voluntarily want to appear.

To be heard along with Spl.C.A.No.1546 of

1982.

7.5.1982. Sd.S.L.Talati J."

On 31st July 1995, the matter was placed for final hearing before me. In view of the order passed at the admission stage and reference of Spl.C.A.No.1546 of 1982, I passed the following order:

"S.O. to 5.8.1995. Office will place papers of Spl.C.A.No.1546 of 1982 decided on 2.9.1983."

Thereafter the matter has been placed for final hearing to day. Meanwhile, however, office has discharged its duties and has tagged the papers of Special Civil Application No.1546 of 1982 and companion matters decided by the Division Bench on September 2, 1983. All these petitions came to be disposed of and allowed. Operative part in para 8 reads as under:

"All the petitions in this group are, therefore, allowed by making the rule absolute to the above extent, namely, the authorities have no right to call upon the petitioners of these petitions to appear at the written test for the purpose of getting their appointments regularised. There will be no order as to costs."

This petition was also ordered to be heard along with that group, but some how or the other, this petition could not be disposed of along with that group but the group has already been disposed of. Again, it is decided by a Division Bench and the petitions were allowed. With respect, I am bound by the judgment of the Division Bench and in accordance with the judgment of the Division Bench, this petition is also required to be allowed and

is accordingly allowed and rule is made absolute with no order as to costs.

Mr.P.C.Master appeared subsequently for petitioner Nos. 1 to 57. Mr.M.G.Doshit is present.
